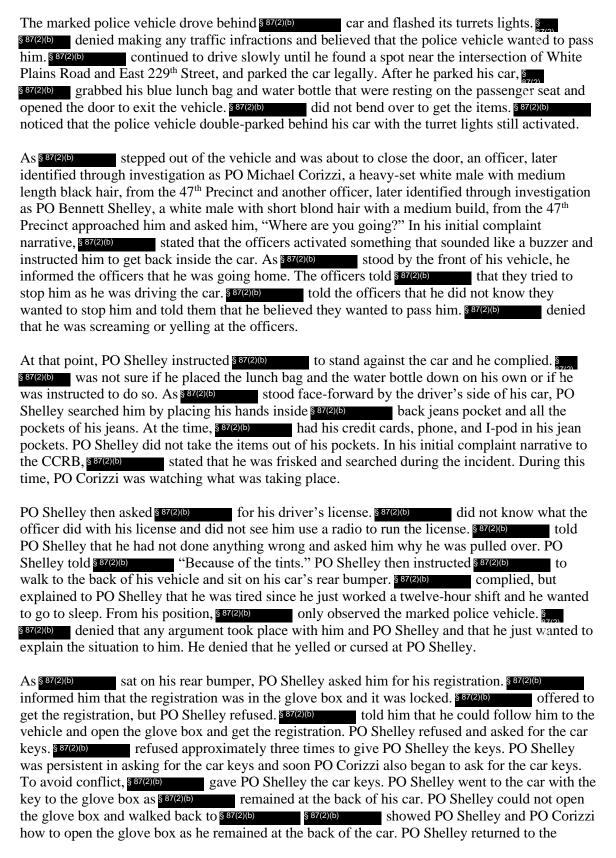
CCRB INVESTIGATIVE RECOMMENDATION

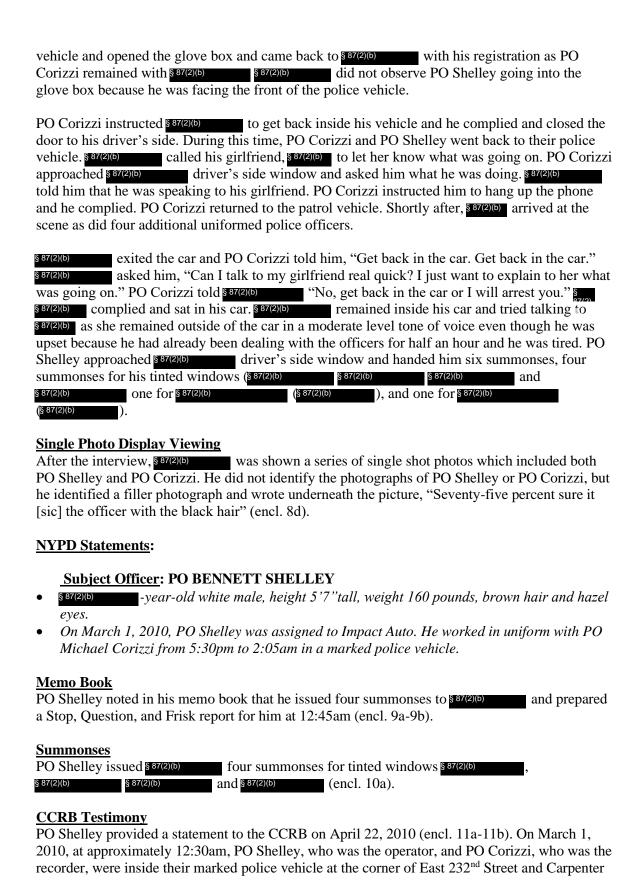
Investigator:		Team: CCRB Case #:		☐ Force	Force Discourt. U.S.	
Jacqueline Asencio		Team # 1 201002667		☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Monday, 03/01/2010 12:30 AM		East 229th Street and White Plains Road		47	9/1/2011	9/1/2011
Date/Time CV Reported		CV Reported At: How CV Reported:		Date/Ti	Date/Time Received at CCRB	
Mon, 03/01/2010 9:37 AM		CCRB Phone Mon, 03/01/2010 9:37 AM				
Complainant/Victim	Type	Home Address				
Subject Officer(s)	Shield	TaxID	Command			
1 DOM Dannatt Challer	18552	947489	047 DCT			
1. POM Bennett Shelley	10332	947409	047 PCT			
2. POM Michael Corizzi	13632	946879	047 PCT 047 PCT			
•		946879		In	vestigator Recon	nmendation
2. POM Michael Corizzi	13632	946879	047 PCT	In	vestigator Recon	nmendation
2. POM Michael Corizzi Officer(s)	Allegation Abuse: P	946879 on	047 PCT ed § 87(2)(b)	In	vestigator Recom	nmendation
2. POM Michael Corizzi Officer(s) A.POM Bennett Shelley	Allegation Abuse: P Abuse: P Abuse: P	946879 On O Bennett Shelley friske	047 PCT ed § 87(2)(b) hed § 87(2)(b)		vestigator Recon	nmendation

Case Summary

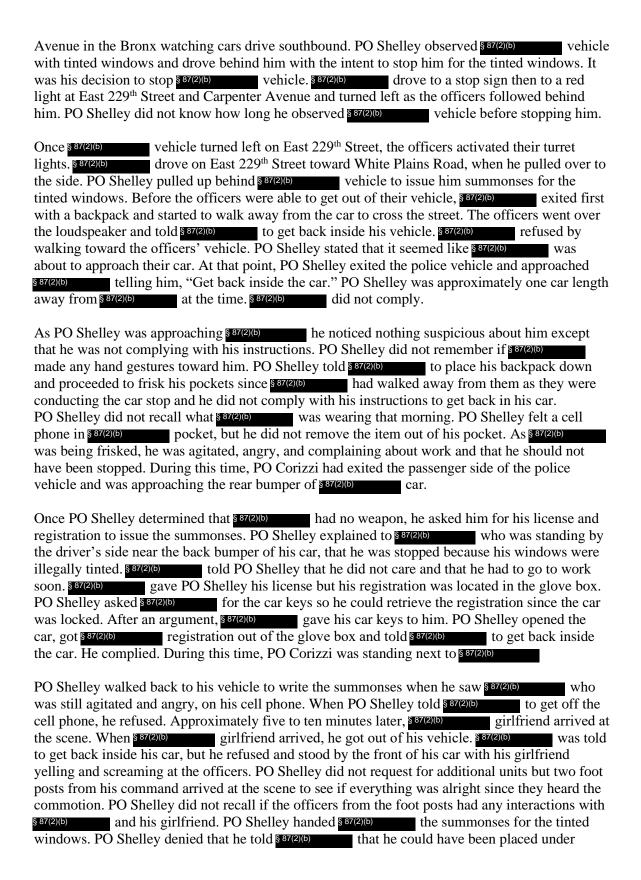
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arrest. PO Shelley denied that \$87(2)(b) was searched or that his vehicle was searched during the incident. **Subject Officer: PO MICHAEL CORIZZI** year-old white male, height 5'9" tall, weight 175 pounds, brown hair and blue eyes. • On March 1, 2010, PO Corizzi was assigned to Impact Auto. He worked in uniform with PO Bennett Shelley from 5:30pm to 2:05am in a marked police vehicle. Memo Book PO Corizzi noted in his memo book that he issued \$87(2)(5) two summonses at 12:45am (encl. 12a-12c). **Summonses** PO Corizzi issued § 87(2)(b) a summons for f§ 87(2)(b)) and for § 87(2)(b) (encl. 13a). **CCRB Testimony** PO Corizzi provided a statement to the CCRB on April 22, 2010 (encl. 14a-14b). PO Corizzi and PO Shelley observed \$87(2)(6) vehicle on Carpenter Avenue in the Bronx. PO Shelley decided to stop § 87(2)(b) vehicle for tinted windows violation. The officers had their turret lights on for approximately three blocks behind \$87(2)(b) vehicle before he pulled over at East 229th Street and White Plains Road, PO Corizzi did not recall how § 87(2)(b) was driving his vehicle or if he was driving the car slowly. Upon stopping, §87(2)(b) exited his vehicle with some sort of bag and began to walk away. The officers exited the vehicle to follow \$87(2)(b) PO Shelley, who stood approximately fifteen to twenty feet away from \$87(2)(b) told him to get back inside the car. \$87(2)(b) did not comply, but PO Corizzi did not recall if \$87(2)(6) said anything to PO Shelley. PO Corizzi did not know if \$87(2)(b) made any gestures that would make PO Shelley suspect that had a weapon. PO Corizzi was suspicious of \$87(2)(b) since it was not normal behavior during a traffic stop for a driver to exit the vehicle. PO Shelley approached \$87(2)(b) and asked him to put down the bag he was carrying. During this time, PO Corizzi was standing vehicle, in between \$87(2)(b) car and the police vehicle. to make sure he was not carrying any weapons since PO Shelley frisked § 87(2)(b) exited the vehicle and tried to walk away. PO Corizzi observed the frisk and saw PO Shelley frisk \$37(2)(b) waistband. He did not recall any other areas where \$37(2)(b) frisked. PO Shelley did not recover anything from the frisk and he did not remove any items from pockets. PO Shelley asked § 87(2)(b) for his license and registration, and § gave the items to PO Shelley. PO Corizzi did not recall if there was any issue with the registration. During this time, \$87(2)(b) was angry, loud, and "incompliant." After PO Shelley received \$87(2)(b) information, he instructed him to get inside the car and he complied as the officers got back inside their vehicle to write the summonses. As they were inside the car, § 87(2)(b) exited the vehicle again and went to the front of his car to meet his girlfriend. The officers asked \$37(2)(b) numerous times to get back inside his vehicle, but PO Corizzi did not recall if they exited the police vehicle or if they told him over the loudspeaker. refused at first and he became loud. Approximately thirty seconds to a minute later,

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complied and sat back in the car. PO Corizzi mentioned during the interview that could have been placed under arrest for \$87(2)(b) and have the stated that it was "more than likely" that he would have told \$87(2)(b) that he could be placed under arrest. PO Corizzi denied that he searched \$87(2)(b) or his vehicle or saw his partner doing so.
NYPD Documents
• <u>Management Information System Development</u> No warrant check for was located even though he was issued summonses, but the MISD report was mistakenly limited to February 2010, which explains this absence (encl. 23d).
• Stop, Question, and Frisk Log The Stop, Question, and Frisk log had no results for \$87(2)(b) (encl. 23i). According to IAB, there was no handwritten Stop, Question, and Frisk report at the 47 th Precinct for \$87(2)(b) (encl. 23c).
• Sprint Print-Out At 12:57am, Impact Auto had one male stopped at East 229th Street and White Plains Road. At 12:59am, warrant check negative for 887(2)(b) (encl. 15a).
• Roll Call The roll call confirmed the officers' statements regarding their tour and assignments (encl. 16a).

Summons for Incident and Disposition

On \$87(2)(b) , \$87(2)(b) resolved summons numbers \$87(2)(b) , \$87(2)(b) and \$87(2)(b) for tinted windows by paying a \$200.00 fine.

\$87(2)(b), \$87(2)(a) 160.50

Status of Civil Proceedings

• \$87(2)(b) has not filed a Notice of Claim with the City of New York as of June 22, 2010 with regard to the incident (encl. 20a).

Civilian Criminal History

§ 87(2)(b) § 87(2)(c)

Civilian CCRB History

• This is the first CCRB complaint filed by §87(2)(b) (encl. 6a).

Subject Officer CCRB History

- PO Bennett Shelley has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 4a).
- PO Michael Corizzi has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 5a).

Conclusion

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Identification of Subject Officers PO Shelley and PO Corizzi acknowledged that they interacted with S87(2)(6) Allegations Not Pled
§ 87(2)(g)
<u>Investigative Findings and Recommendations</u>
Allegation A: Abuse of Authority: PO Bennett Shelley frisked \$87(2)(b) PO Shelley and PO Corizzi testified that they wanted to stop \$87(2)(b) vehicle for a tinted windows violation. The officers followed \$87(2)(b) vehicle for approximately three blocks until \$87(2)(b) had stopped the car near the intersection of East 229th Street and White Plains Road. \$87(2)(b) testified that he observed the officers' vehicle behind him but believed that they wanted to pass him and therefore he did not immediately pull over. Once he had parked his vehicle, \$87(2)(b) admitted that he exited his car.
When PO Shelley observed \$87(2)(b) walking away from his vehicle, he testified that he and PO Corizzi went over the loudspeaker and instructed \$87(2)(b) to get back inside the car, which \$87(2)(b) initially testified that the officers had done once he had exited his vehicle. PO Shelley testified he frisked \$87(2)(b) after \$87(2)(b) had initially walked away from the officers and had refused to return to his car. PO Corizzi also testified that PO Shelley frisked \$87(2)(b) because \$87(2)(b) had exited his car and walked away as they were conducting the car stop. The officers did not articulate anything about a bulge or anything specific about a weapon or crime they suspected \$87(2)(b) of committing. Furthermore, PO Shelley testified that he noticed nothing suspicious about \$87(2)(b) except that he had exited his vehicle and had not complied with his instructions. \$87(2)(b)
In New York Search and Seizure, Kamins states that a frisk "must be based on a reasonable suspicion that a suspect is armed. This suspicion must be based on clear and articulable facts" (encl. 1a-1b).
Allegation B: Abuse of Authority: PO Bennett Shelley searched 887(2)(b) alleged that after he exited his vehicle PO Shelley searched his jean pockets. The officers denied that 887(2)(b) was searched during the incident. 887(2)(g)
Allegation C: Abuse of Authority: PO Bennett Shelley searched the vehicle in which \$87(2)(b)
was an occupant. When PO Shelley requested \$87(2)(b) registration, he informed the officer that the document was located in his locked vehicle in the glove box. \$87(2)(b) initially refused to give PO Shelley the keys to his vehicle in order to retrieve the registration and insisted that he himself get the information. PO Shelley admitted that he went inside \$87(2)(b) vehicle for the sole

Page 8 CCRB Case # 201002667 purpose of retrieving the registration. In <u>People v. Philbert</u>, 270 A.D. 2d 210 (1st Dept. 2000), the Court clarified that "a limited search of the glove compartment was upheld as a reasonable method of determining the ownership of the car so that the defendant would not have to be arrested" (encl. 2a-2b) [87(2)9]

Allegation D: Abuse of Authorit	y: PO Michael Coriza	zi threatened to arrest § 87(2)(b)
During the course of the car stop,			
his vehicle to speak to his girlfrien	nd after the officers told	d him to remain inside the	car.§
§ 87(2)(b) refused to return to the v	ehicle until PO Corizzi	told him that he could be	placed under
arrest. PO Corizzi testified that §87			
refused and became loud. The off			
back in his car. PO Corizzi testific			
§ 87(2)(b) that he could be placed u			97/9\
- I was a common particular			
		In Poli	ce Department
vs. Perez and Cruz, Administrativ	e Law Judge Ray Fleis		
upset patron to calm down or he v	•		•
diffuse [sic] a potential physical c		,	
		,	
Team: One			
		:	
Investigator:			
Signature	Print	 Date	_
Supervisor:			
Title/Signature	Print	Date	-
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